

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.NO.21210 OF 2019

Govindhammal,
W/o.Devaraj Naidu,
Sempalli Village & Post,
Gudiyatham Taluk, Vellore District.

... Petitioner

/versus/

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Vellore.
2. The Executive Engineer,
Tamil Nadu Electricity Board, Melpatti Road,
Gudiyatham.
3. The Assistant Engineer, (TNEB),
Tirupatur Electricity Distribution Division,
Nellur Pettai,
Gudiyatham.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to consider the representation dated 28.03.2019 to transfer Electricity Service connection in the name of the petitioner in Service Connection No.46900415 (Jittapalli Village) for the property situated at S.No.17/3 A Sempalli Village and Post, Gudiyatham Taluk, Vellore District and pass orders.

For Petitioner : Mr.T.Sreelekha

For Respondents : Mr.Varun Kumar, Standing Counsel

WEB COPY
O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Standing Counsel for the Respondents.

2. The petitioner herein has inherited the property in S.No.17/3A, Sempalli Village, Guidyatham Taluk, Vellore District, to an extent of 2 acres 54 cents along with

electricity connection for agricultural purpose. The property and service connection stood in the name of her father, later devolved upon her on death of her father in the year 1971. She sought for transfer of electricity service connection in her name, which was not considered by the respondents. Hence, she applied for information under Right to Information Act, 2005, wherein, it was informed to her that the service was disconnected long back and she has to pay the arrears of Rs.513/- to the Electricity Board and other charges.

3. According to the petitioner, the service was not disconnected, it is still in live register. Due to heavy drought, there is no cultivation and consumption of electricity for the past 10 years. Therefore, the service cannot be considered as disconnected service. When she has pointed out this and gave representation, while applying for name transfer on 31.10.2018, the Electricity Board has reiterated that the service has been disconnected and the petitioner as to apply afresh.

4. The Learned Counsel appearing for the petitioner would submitted that the contention of the Electricity Board that the service disconnected is not factual correct. The website of the Electricity Board, on 12.01.2019, indicates the service connection status as 'live' in the name of her father Ramachandra Naidu. Therefore, the present Writ Petition is file to consider the representation of the petitioner for name transfer in the electricity connection and activate the service.

5. The Learned Standing Counsel appearing for the respondents took notice, submitted that as per the code, any dormant service disconnected for more than 2 year cannot be revived and the consumer has to file fresh application to get electricity service connection. If the petitioner herein make a fresh application with all necessary documents, the TANGEDCO will consider the request of the petitioner on merits.

6. The Learned Counsel appearing for the petitioner would submit that the petitioner is about 85 years old. She had been enjoying the property inherited through her father since 1971. The reason for non- consuming electricity was due to drought in area and discontinuation of agricultural activity. Since the service connection status is still shown as live, the respondents need not insist upon fresh application for new connection.

7. From the facts pleaded and documents relied by the petitioner, this Court finds that there is an existing service connection for the land of the petitioner. The respondents, instead of harping upon the provisions under the code, can revive the existing service connection on collection of

necessary charges under the Rule, provided the petitioner is ready to pay the arrears, and re-connection fees, and submit all other necessary documents required for name transfer.

8. With the above direction, the Writ Petition is disposed of. The request of the petitioner shall be considered, within a period of 6 weeks, from the date of payment of demand for reconnection. No costs.

bsm

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Vellore.
2. The Executive Engineer,
Tamil Nadu Electricity Board, Melpatti Road,
Gudiyatham.
3. The Assistant Engineer, (TNEB),
Tirupatur Electricity Distribution Division,
Nellur Pettai,
Gudiyatham.

+lcc to Mr.M.Varun Kumar, Advocate, SR.No.83062

+lcc to M/s.T.Sreelekha Advocate, SR.No.83321

W.P.No.21210 of 2019

Kak(04/11/2019)

WEB COPY